

# **EXHIBIT K**

**All Nippon Airways**  
**vs.**  
**United Air Lines**

Deposition of

**Teruo Usui**

Volume 1

November 29, 2007

Reported By: Brandon Combs, CSR 12978  
Job Number: 1-6058

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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Defendant.

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) No. C07-03422 EDL

November 29, 2007

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Teruo Usui

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1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 ---o0o---  
4 ALL NIPPON AIRWAYS COMPANY, )  
5 LTD., )  
6 Plaintiff, )  
7 vs. ) No. C07-03422 EDL  
8 UNITED AIR LINES, INC., )  
9 Defendant. )

10 ---o0o---  
11 BE IT REMEMBERED THAT, pursuant to Notice and  
12 on Thursday, November 29, 2007, commencing at  
13 10:01 a.m. thereof at 595 Market Street, Suite 620,  
14 San Francisco, California, before me, BRANDON D. COMBS,  
15 a Certified Shorthand Reporter, personally appeared  
16 TERUO USUI,  
17 called as a witness by the Defendant being first duly  
18 sworn, testified as follows:  
19 ---o0o---  
20 JAFFE, RAITT, HEUER & WEISS, 27777 Franklin  
21 Road, Suite 2500, Southfield, MI 48034-8214, represented  
22 by SCOTT R. TORPEY, Attorney at Law, appeared as counsel  
23 on behalf of the Defendant.  
24 CONDON & FORSYTH, LLP, Times Square Tower,  
25

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1 Seven Times Square, New York, NY 10036, represented by  
2 MARSHALL S. TURNER and TIMOTHY ESKRIDGE, Attorneys at  
3 Law, appeared as counsel on behalf of the Plaintiff.  
4 WORTHE, HANSON & WORTHE, The Xerox Centre,  
5 1851 East First Street, Ninth Floor, Santa Ana,  
6 CA 92705, represented by JEFFREY A. WORTHE, Attorney at  
7 Law, appeared as counsel on behalf of the Defendant.  
8 ALSO PRESENT: Shigeru Sakamoto; Yoshihiro  
9 Mizuno; Sadaaki Matsutani, Interpreter; Satoe Ohari,  
10 Interpreter; Stephen Statler, Videographer.  
11 ---o0o---

12 THE VIDEOGRAPHER: Good morning. Here begins  
13 Videotape 1 in the deposition of Teruo Usui in the  
14 matter All Nippon Airways, Limited versus  
15 United Airlines, Incorporated in the U.S. District Court  
16 for the Northern District of California. The case  
17 number is C07-03422 EDL. Today's date is November 29,  
18 2007, and the time on the video monitor is 10:01 a.m.

19 The video operator today is Stephen Statler  
20 representing Combs Reporting, 595 Market Street,  
21 Suite 620, San Francisco, and this video deposition is  
22 taking place at 595 Market Street Suite 620 in San  
23 Francisco and was noticed by Jaffe Raitt.

24 Counsel, please voice identify yourselves and  
25 state whom you represent.

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1 MR. TORPEY: Scott Torpey on behalf of  
2 United Airlines.  
3 MR. WORTHE: Jeff Worthe on behalf of  
4 United Airlines.  
5 MR. FUS: Steve Fus, United Airlines.  
6 MR. TURNER: Marshall Turner for All Nippon  
7 Airways.  
8 MR. ESKRIDGE: Timothy Eskridge for All Nippon  
9 Airways.  
10 MR. SAKAMOTO: Shigeru Sakamoto.  
11 MR. MIZUNO: Yoshihiro Mizuno for All Nippon  
12 Airways.

13 THE VIDEOGRAPHER: The court reporter today is  
14 Brandon Combs of Combs Reporting. And would the  
15 reporter please administer the oath to the interpreter  
16 and the witness -- to both interpreters.

17 (After being duly sworn, the interpreters,  
18 Satoe Ohari and Sadaaki Matsutani, translated  
19 questions put to the witness into the Japanese  
20 language and the answers thereto given by the  
21 witness were translated into the English  
22 language.)

23 THE VIDEOGRAPHER: Please begin.

24 EXAMINATION BY MR. TORPEY

25 MR. TORPEY: Q. Good morning, Mr. Usui.

2 (Pages 2 to 5)



Teruo Usui

Page 6	Page 8
<p>1 A. Morning.</p> <p>2 Q. Where are you employed, sir?</p> <p>3 A. All Nippon Airway.</p> <p>4 Q. And how long have you been there?</p> <p>5 A. 28 years.</p> <p>6 Q. And what is your current position?</p> <p>7 A. I am captain of the Boeing 777 model.</p> <p>8 Q. Is there a chief pilot for All Nippon Airways?</p> <p>9 A. By chief pilot, what sort of ranking would</p> <p>10 that be?</p> <p>11 Q. Well, is there somebody who is in charge of</p> <p>12 all pilots for All Nippon?</p> <p>13 A. Yes.</p> <p>14 Q. Who would that be?</p> <p>15 A. Are you referring to the chief, to the group</p> <p>16 that I belong to, or to the chief for all Boeing 777</p> <p>17 models?</p> <p>18 CHECK INTERPRETER: Passenger. Never mind.</p> <p>19 That's okay.</p> <p>20 MR. TORPEY: Q. What group do you belong to?</p> <p>21 A. It's a training department.</p> <p>22 Q. What position do you hold in the training</p> <p>23 department?</p> <p>24 A. I am the training or educational officer.</p> <p>25 Q. That's your title, educational or training</p>	<p>1 exams periodically to ANA pilots?</p> <p>2 CHECK INTERPRETER: Proficiency meaning</p> <p>3 language proficiency? The interpreter interpreted it as</p> <p>4 being language proficiency.</p> <p>5 MR. TORPEY: Let me just say this. With all</p> <p>6 due respect, sir, I'm not here to take your deposition.</p> <p>7 If he has a question on that, I'm sure he'll raise it.</p> <p>8 I don't know how much you know about aircrafts or</p> <p>9 flying, that's a term of art. He's a professional. I</p> <p>10 bet he knows what that is.</p> <p>11 CHECK INTERPRETER: The lead interpreter</p> <p>12 interpreted as a language proficiency. That's why the</p> <p>13 checking interpreter is concerned.</p> <p>14 MR. WORTHE: Well, that's your opinion.</p> <p>15 MR. TURNER: It seems to me the interpreters</p> <p>16 have been dealing with any suggestions among themselves</p> <p>17 very well, and I don't see any reason for this</p> <p>18 discussion to be going on. But it's your deposition.</p> <p>19 You can conduct it the way you want.</p> <p>20 MR. TORPEY: This gentleman has only been at</p> <p>21 the deposition for the last two days for less than an</p> <p>22 hour when he left to take part in the deposition</p> <p>23 preparation for the next day's witness. This is the</p> <p>24 last day and apparently he's going to be here all day.</p> <p>25 I do not intend to waste my deposition time</p>
Page 7	Page 9
<p>1 officer?</p> <p>2 A. Yes.</p> <p>3 CHECK INTERPRETER: May the checking</p> <p>4 interpreter propose perhaps "an instructor"?</p> <p>5 MR. TORPEY: I don't want this deposition to</p> <p>6 turn into a battle of the interpreters. If there's</p> <p>7 something significant, I'd like you to raise it, but --</p> <p>8 CHECK INTERPRETER: I'm just --</p> <p>9 MR. TURNER: I want to comment, it hasn't been</p> <p>10 a battle of the interpreters.</p> <p>11 MR. TORPEY: He hasn't been here, and he</p> <p>12 probably will sit in today. Read back the answer, the</p> <p>13 answer to his title.</p> <p>14 THE INTERPRETER: Training or educational</p> <p>15 officer.</p> <p>16 MR. TORPEY: Okay. Thanks.</p> <p>17 Q. And do you train beyond the 777 aircraft, or</p> <p>18 is that your specialty?</p> <p>19 A. No. Just B777.</p> <p>20 Q. And how long have you been the training and</p> <p>21 educational officer on the 777?</p> <p>22 A. Seven years.</p> <p>23 Q. Are you familiar with the term check airman?</p> <p>24 A. What does that person do?</p> <p>25 Q. Do you give proficiency checks or proficiency</p>	<p>1 with the interpreters apparently disagreeing. I brought</p> <p>2 an interpreter. She's the interpreter for this</p> <p>3 deposition. Your interpreter is welcome to whisper in</p> <p>4 your ear, whatever, but I don't want this deposition to</p> <p>5 be taken up with problems with the interpreter.</p> <p>6 MR. TURNER: The only significant time</p> <p>7 consumption has been your discussion about it.</p> <p>8 MR. TORPEY: There's going to be no discussion</p> <p>9 about this. Read back the question, please.</p> <p>10 (Record read by the reporter.)</p> <p>11 MR. TURNER: I'd like to note a comment on the</p> <p>12 record as to the translation as to whether or not this</p> <p>13 interpreter has translated the term proficiency as</p> <p>14 "language proficiency" as opposed to "piloting</p> <p>15 proficiency." That's my comment.</p> <p>16 MR. TORPEY: Q. The answer?</p> <p>17 A. With regards to a regular examination, I give</p> <p>18 an annual examination to the pilots.</p> <p>19 Q. Is there some type of regulation, sir, that</p> <p>20 requires an annual proficiency exam or check?</p> <p>21 A. It's a company rule.</p> <p>22 Q. And when you give these proficiency exams, is</p> <p>23 it a written exam or a performance exam? Just describe</p> <p>24 for me a little bit about what you do and how you do it.</p> <p>25 A. It is a performance exam. I did say pilot,</p>

3 (Pages 6 to 9)

Teruo Usui

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1 but there are captains and copilots. This exams is  
 2 given only to copilots.  
 3 Q. And the exam that's given only to the copilots  
 4 or check ride, how long has that been the policy of ANA?  
 5 A. From about four to five years ago.  
 6 Q. Would that make it around 2002, 2001?  
 7 A. I obtained the license in 2004, so it was from  
 8 2004.  
 9 Q. Oh, I understand. But before you were  
 10 licensed as a proficiency examiner, was that still the  
 11 rule that only copilots would get the proficiency check?  
 12 A. One moment, please.  
 13 Q. No problem.  
 14 A. It is 2007 today, so -- well, I obtained the  
 15 license in -- at the end of 2003, so it has been four  
 16 years.  
 17 Q. Can you tell me when at the end of '03 you  
 18 became a check airman or proficiency officer?  
 19 A. I do not have a recollection of exactly when  
 20 it was.  
 21 Q. Would it have been sometime before October of  
 22 2003?  
 23 A. After.  
 24 Q. Do you know if it was in October or was it  
 25 after October, 2003?

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1 A. After.  
 2 Q. If you wanted to get the exact date when you  
 3 were -- when you became a proficiency officer, where  
 4 would you look for that information?  
 5 A. There is a Japanese aviation certificate, so  
 6 if I check that, I will be able to know.  
 7 Q. Is that something you carry with you?  
 8 A. No.  
 9 Q. What did you have to do -- or how long was the  
 10 process -- strike that.  
 11 What did you have to do and for what period of  
 12 time to qualify as a proficiency officer?  
 13 A. I was.  
 14 THE INTERPRETER: The interpreter will  
 15 restate.  
 16 THE WITNESS: I had to have knowledge about  
 17 aviation regulations, the judgment standards for the  
 18 examination. Also, since this is a company internal  
 19 examination, it had to be done or rather I had to do the  
 20 guiding in a manner that would be authorized by the  
 21 aviation board.  
 22 MR. TORPEY: Q. You said that one of the  
 23 things you had to do was to know the aviation  
 24 regulations. Can you tell me what regulations you're  
 25 referring to.

Page 12

1 A. In order to obtain this qualification, I had  
 2 to have knowledge about the flight, the crew as well as  
 3 requirements of the aviation board since the exam was  
 4 being done for the aviation board.  
 5 Q. When you refer to the aviation board, what  
 6 specific organization are you referring to?  
 7 A. It is the aviation board of the transportation  
 8 ministry.  
 9 Q. Is that of Japan?  
 10 A. Yes.  
 11 Q. And you said that you had to be familiar with  
 12 aviation regulations. Would those include any -- is  
 13 there a set of regulations governing aviation in the  
 14 country of Japan?  
 15 A. It is a Japanese aviation law.  
 16 Q. Now, do you also have to be familiar with the  
 17 United States federal aviation regulations?  
 18 A. No.  
 19 Q. Is there someone in your company who is  
 20 charged with the obligation of knowing the U.S. federal  
 21 aviation regulations?  
 22 A. I've never heard about that.  
 23 Q. Do you know if there's any regulation -- do  
 24 you know one way or the other if there's any regulation  
 25 or other rule in Japan which requires compliance with

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1 U.S. federal aviation regulations?  
 2 A. I do not know.  
 3 Q. When aircraft -- when ANA aircraft come to the  
 4 United States and land or take off from airports within  
 5 the United States, you agree with me that they are  
 6 obligated to comply with U.S. federal aviation  
 7 regulations; correct?  
 8 A. When we fly to the U.S., we have not seen any  
 9 particular difference.  
 10 THE INTERPRETER: The interpreter will  
 11 restate.  
 12 THE WITNESS: When we fly to the U.S., I have  
 13 not seen any material regarding the difference in  
 14 aviation laws of Japan and the U.S. at the company. We  
 15 study ATC material. So I am not -- I am not aware about  
 16 the compliance with FAA aviation regulations. We study  
 17 how to fly.  
 18 MR. TORPEY: Q. Well, there are Japan  
 19 aviation regulations that govern how your pilots on your  
 20 aircraft fly; correct? Or how their supposed to fly?  
 21 A. I don't understand.  
 22 Q. Let me get back to the original question, sir.  
 23 As the educational and training officer of  
 24 ANA, do you believe that when an ANA aircraft lands or  
 25 takes off from San Francisco International Airport here

4 (Pages 10 to 13)

Teruo Usui

Page 14

1 in San Francisco, California, that the flight crew of  
2 that ANA aircraft while in the United States on the  
3 ground have to comply with U.S. federal aviation  
4 regulations relative to the operation of their aircraft  
5 at that U.S. airport?

6 A. First of all, although I am a training  
7 officer, my work is related to technical matters. Also,  
8 when we fly to the U.S., we follow the way of the U.S.  
9 in flying.

10 Q. Let me see if I understand you. You,  
11 yourself, are a captain and act as pilot in command of a  
12 777 including flights to airports in the United States;  
13 correct?

14 A. Yes.

15 Q. And when you, as the pilot in command, are  
16 flying an aircraft and landing at San Francisco or  
17 piloting an aircraft taking off from San Francisco, you  
18 understand that you and your crew members, while at the  
19 U.S. airport, must comply with U.S. federal aviation  
20 regulations with regard to the operation of your  
21 aircraft; correct?

22 A. To state it simply, I am not too conscious  
23 about that. We follow the way that we must fly in the  
24 U.S. I'm not too conscious about regulations, per se.

25 Q. Well, I don't know what you mean by not too

Page 15

1 conscious. I guess what I'm saying to you, sir, is you  
2 are commercial airline pilot that flies a 777 aircraft  
3 to and from U.S. airports.

4 My question simply is are you or are you not  
5 required to comply with U.S. federal aviation  
6 regulations when you are flying into or out of a  
7 United States airport?

8 A. We follow the way flying is done in the U.S.,  
9 so I believe we are satisfying the FAA requirements.

10 Q. And I think I understand you. Let me show you  
11 what is -- let me mark this. I don't know what number  
12 that is.

13 (Whereupon, Exhibit 14 was marked for  
14 identification.)

15 (Discussion off the record.)

16 MR. TORPEY: Q. Mr. Usui, let me show you  
17 what we've marked Exhibit 14, which is a page from the  
18 federal aviation regulations, in particular, 49CFR part  
19 91.1 titled, applicability under subsection A, among  
20 other things, it says there, this part prescribes rules  
21 governing the operation of aircraft within the  
22 United States including the waters within three nautical  
23 miles of the U.S. coast.

24 Do you see that?

25 A. Yes.

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1 Q. And you agree with me then that in operating  
2 an aircraft, for example, taxiing an aircraft at  
3 San Francisco International Airport, ANA pilots are  
4 required to comply with the U.S. federal aviation  
5 regulations; correct?

6 A. When we fly in the U.S., including movement on  
7 land such as taxiing, we do it in a manner that was  
8 taught to us by our company, so I believe we are  
9 satisfying the regulations.

10 Q. Okay. Thank you, sir.

11 Let me just ask a few more things on  
12 background here. The route manual, you're familiar with  
13 what the route manual is I take it?

14 A. You're talking about the route manual  
15 distributed by the company?

16 Q. That's correct, sir.

17 A. Yes.

18 Q. Does the route manual have in it specific  
19 regulations, whether Japan regulations or U.S. federal  
20 aviation regulations? Does it quote specific  
21 regulations in that manual?

22 A. There are no regulations, per se. There's no  
23 the description of the law.

24 Q. Okay. Would that be in the operations manual,  
25 or do you know if it's in any particular manual that's

Page 17

1 distributed by ANA?

2 A. In the route manual, there is a basic  
3 examination in a section called ATC, and that section  
4 contains abstracts or typical information.

5 Q. And I apologize if I asked this, sir, but when  
6 you give proficiency exams or check rides, did you say  
7 there is a written component, or is it you strictly  
8 observe the performance of the pilots you're evaluating?

9 A. Only the technical portion.

10 Q. I'm not following you. What do you mean by  
11 the technical portion? Is that you have to watch them  
12 do something, or do you give them a written test of some  
13 type?

14 A. There is no written examination.

15 Q. Do you perform your evaluation by sitting in  
16 the cockpit of an aircraft that they're flying, or do  
17 you watch them in a simulator, or how do you do it?  
18 What's the setting you perform this proficiency check?

19 A. We use the simulators.

20 Q. Do you sometimes give a check ride in an  
21 actual aircraft?

22 A. No.

23 Q. Is there any kind of a written, let's say,  
24 guidelines that you follow that these pilots must meet.  
25 In other words, is there some protocol or procedure

5 (Pages 14 to 17)



Teruo Usui

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1 written that you apply in evaluating what the pilots are  
2 doing?  
3 A. When evaluating, there's a guideline put out  
4 by the company.  
5 Q. What's the guideline called?  
6 A. Check manual.  
7 Q. Do you know if there have been any changes in  
8 the check manual say since 2003 to today?  
9 A. Yes. I believe there was or were.  
10 Q. Okay. To become a 777 pilot, does ANA provide  
11 any kind of training? I know we talked about you doing  
12 proficiency exams, but is there a training program that  
13 pilots have to go through?  
14 A. Yes.  
15 Q. And do you do the training as well?  
16 THE INTERPRETER: The interpreter will repeat  
17 the question in Japanese.  
18 THE WITNESS: I do conduct a set program when  
19 the pilot is moving from another aircraft model to 777.  
20 MR. TORPEY: Q. So when somebody wants to get  
21 type rated from say a 767 to a 777, you would give the  
22 training on the 777?  
23 A. Yes.  
24 Q. Is there any other kind of training given to  
25 pilots, let's say, besides just type-rating training,

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1 but general piloting type training. Is there anything  
2 like that given to ANA pilots? Not aircraft specific.  
3 In other words, it's not for a particular type of  
4 aircraft but just piloting in general.  
5 A. Yes.  
6 Q. And what does that -- do you do that training  
7 as well?  
8 A. Yes.  
9 Q. What's that -- give me a feel for what that  
10 kind of training is.  
11 A. I don't have the materials here, so it is hard  
12 to say. But there is a regular training annually.  
13 Q. And would that include pilots of all the types  
14 of aircraft that are in the ANA fleet?  
15 A. All ANA pilots receive an annual training.  
16 Q. And what is the training manual that you use  
17 for that training called?  
18 A. There is no manual because that regular  
19 training conducted once a year changes every year.  
20 Q. Is there any kind of written materials that is  
21 given to you by the company for you to use in providing  
22 that annual training?  
23 A. Yes.  
24 Q. And tell me what, is it in a booklet, or what  
25 is the nature of the materials that's utilized?

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1 A. The materials are kept at the training  
2 department.  
3 Q. Okay. Now, you say they change. Do they  
4 change every year, or how frequently do the materials  
5 change?  
6 A. Overall, they are the same, but with each  
7 training, we have to make sure that the requirements  
8 will be covered so those things would change.  
9 Q. Backing up a step, with regard to the training  
10 in type, in other words, to get type rated on a 777, do  
11 the materials change every year, or are they -- let me  
12 rephrase that.  
13 To get type rated in a 777, the check manual,  
14 is it basically the same from year to year, maybe minor  
15 changes, but basically the manual is pretty much the  
16 same?  
17 THE INTERPRETER: The interpreter will restate  
18 the question in Japanese.  
19 THE WITNESS: There are revisions of the check  
20 manual, but it is not as if there is a change every  
21 year.  
22 MR. TORPEY: Q. Okay. I guess with regard to  
23 the check manual, if there was a revision, is there a  
24 table of revisions, in other words, it will show, you  
25 know, a page and what replaces it so you can see what

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1 and when it was revised?  
2 A. Yes. There is a table of revision.  
3 Q. Mr. Usui, how long have you performed the  
4 annual training that we've been talking about? How long  
5 have you been a trainer for that type of training?  
6 A. I don't know how many times. I do not recall.  
7 Q. I'm sorry. I didn't mean how many times. How  
8 many years have you been doing this annual training?  
9 A. Ever since I became the training officer, and  
10 it's been around seven years, although I do not have an  
11 accurate recollection.  
12 Q. How many trainers in addition to yourself are  
13 there for the 777 aircraft? Trainers and check airmen.  
14 A. I don't know how many exactly.  
15 Q. Would there be, let's say, dozens or hundreds  
16 or an estimate?  
17 A. I think there are 20 to 30 trainers.  
18 Q. Okay. This annual training, is any of it done  
19 in a classroom training, and also, is there any kind of  
20 written examination that is given?  
21 MR. TURNER: Objection as to form.  
22 THE WITNESS: I already said there is no  
23 written examination.  
24 MR. TORPEY: Q. Are there any videos, CDs,  
25 that are played for training purposes to the pilots?

6 (Pages 18 to 21)



Teruo Usui

Page 22

1 A. No.  
 2 Q. With regard to either the training to become  
 3 type rated in a 777 or the annual training we've been  
 4 talking about, is there any training or instruction to  
 5 the ANA pilots with regard to taxiing of aircraft?  
 6 A. When the pilots are trying to get type rated  
 7 for the 777 model, they already have experience with  
 8 taxiing, in other words, they can taxi, so we do not  
 9 give any particular training on that.  
 10 Q. Let's say if it was someone giving training,  
 11 not to get type rated but other type of training,  
 12 apparently you do give taxiing training or instruction?  
 13 A. Just the very first lesson.  
 14 Q. Tell me what it is that you train during that  
 15 first lesson? What is it that you're training them to  
 16 do?  
 17 A. I don't have them here, so I can't say.  
 18 Q. What document would that be in or called? If  
 19 I wanted you to produce to us the taxi training  
 20 materials, what would I ask for?  
 21 A. I don't know.  
 22 Q. If someone were to ask you for a copy of the  
 23 training materials that you used to teach taxi  
 24 instructions, you would know what that person is talking  
 25 about though; correct?

Page 23

1 A. There is no written materials regarding the  
 2 main points or gist of taxiing, so we give the gist of  
 3 taxiing verbally.  
 4 Q. Then since it's just verbal, tell us what it  
 5 is that you tell the pilots with regard to taxiing.  
 6 A. Just the instruction on how to turn because  
 7 they all know how to move the aircraft along the  
 8 centerline.  
 9 Q. How long have you held a commercial airline  
 10 pilot certificate?  
 11 A. By commercial license, which one are you  
 12 referring to?  
 13 Q. Let me ask you what licenses or  
 14 certificates -- aviation licenses or certificates do you  
 15 hold and how long have you held them?  
 16 MR. TURNER: We have made copies of Mr. Usui's  
 17 licenses, aviation licenses if you want them.  
 18 MR. TORPEY: Why don't you produce for me  
 19 whatever documents you're producing today so we can mark  
 20 those. And, yes I'll retroactively make them part of  
 21 the protective order. I assume you're not giving me  
 22 your hotel bill. We'll mark these I guess. This would  
 23 be 14? 15.  
 24 (Whereupon, Exhibit 15 was marked for  
 25 identification.)

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1 MR. TORPEY: For the record, Marshall,  
 2 Exhibit 15, are there any other documents you're  
 3 producing today?  
 4 MR. TURNER: If you ask for things, I'll let  
 5 you know --  
 6 MR. TORPEY: I asked for them before we got  
 7 here. That's why I sent a deposition notice. So if  
 8 you're producing documents, let's have them. I don't  
 9 want to get these drip, drip as the day goes on.  
 10 MR. TURNER: You asked him to bring documents  
 11 with him --  
 12 MR. TORPEY: I did not ask this witness to  
 13 bring documents. I didn't ask any witness to bring  
 14 documents. I sent a deposition notice to ANA. ANA was  
 15 to produce documents at the commencement of the  
 16 deposition two days ago. You're producing them on a  
 17 daily basis, and I'm asking whether you're producing  
 18 anything else today.  
 19 MR. TURNER: If you ask for something else --  
 20 MR. TORPEY: Again, I'll ask you to  
 21 produce everything we requested in the deposition  
 22 notice.  
 23 MR. TURNER: Let me read you the deposition  
 24 notice.  
 25 MR. TORPEY: I know what it says. If you're

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1 not going to produce, I'm going assume at this point  
 2 there's nothing left to produce, and I'm going to move  
 3 on with the deposition.  
 4 MR. TORPEY: Q. I apologize for the  
 5 distraction, sir. Just tell me how long you've had --  
 6 what licenses and certificates do you hold aviation  
 7 licenses and certificates and for how long.  
 8 A. I hold the airline transport pilot  
 9 certificate, the copy of which is here.  
 10 Q. Mr. Usui, Exhibit 15, can you tell me what  
 11 those documents are, please.  
 12 A. The cover page or rather the first page is the  
 13 aviation medical certificate.  
 14 Q. And what are the remaining documents?  
 15 A. The third sheet is the airline transport pilot  
 16 certificate. And fourth sheet is a copy of the ratings  
 17 and limitations certificate. And final sheet shows my  
 18 license as a radio operator on an aircraft.  
 19 Q. Mr. Usui, prior to the deposition, did anyone  
 20 ask you if you had any objection to producing your  
 21 training and personnel records?  
 22 A. No.  
 23 Q. If we were to request getting your training  
 24 personnel records -- not financial records -- but just  
 25 training personnel records from ANA, do you have any

7 (Pages 22 to 25)

Teruo Usui

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1 problem with ANA releasing those?  
 2 A. Me personally?  
 3 Q. Yes.  
 4 A. If the company decides to, it is okay with me.  
 5 Q. Thank you. By the way, when do you return --  
 6 or leave the U.S.?  
 7 A. This time?  
 8 Q. When are you leaving to go back to wherever  
 9 you're going after here?  
 10 A. Tomorrow.  
 11 Q. You're going back to Japan?  
 12 A. Yes.  
 13 Q. And when did you arrive in the U.S.?  
 14 A. I arrived on November 28.  
 15 Q. That would be yesterday; correct?  
 16 A. Yes.  
 17 Q. And did you come in as a passenger on ANA?  
 18 A. Yes, that's right.  
 19 Q. And do you depart tomorrow as a passenger on  
 20 ANA?  
 21 A. Yes.  
 22 Q. When are you next scheduled to fly as a crew  
 23 member on ANA?  
 24 A. The schedule was not yet ready when I left  
 25 Japan, so I don't know.

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1 Q. And when did you last fly as a crew member for  
 2 ANA?  
 3 A. I don't have the schedule at hand, so I don't  
 4 know.  
 5 Q. That's fine. No problem.  
 6 I don't obviously read Japanese, so could you  
 7 tell me how long have you held an air transport pilots  
 8 certificate. When did you first get that?  
 9 A. It is written at the left bottom of the  
 10 license, so I obtained it on April 9, 1998.  
 11 Q. How many total hours do you have as a pilot?  
 12 A. To now?  
 13 Q. Yes.  
 14 A. I can't tell you how many hours since I don't  
 15 know that without looking at data.  
 16 Q. Do you have just a ballpark, an estimate?  
 17 A. I think it would be about 10,000 hours at  
 18 present.  
 19 Q. And of those approximate 10,000 hours, how  
 20 many would be in type in a 777?  
 21 A. I don't know.  
 22 Q. Would you say more than half?  
 23 A. I have flown three different aircraft models,  
 24 so I do not know the number of hours for 777.  
 25 Q. What other aircrafts have you flown?

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1 A. 767 and 747.  
 2 Q. If you wanted to look up how many hours in  
 3 type or how many total hours you have, what document  
 4 would that be contained in and who would have that  
 5 document?  
 6 A. That is personal information, so...  
 7 Q. So would ANA have that or something you keep  
 8 personal?  
 9 A. Well, this is the sort of information that not  
 10 everyone can have access to, so there's some information  
 11 kept by ANA and also kept by the individual.  
 12 Q. As part of your piloting duties with ANA  
 13 you -- sorry. I know you've been with ANA 28 years, how  
 14 long have you been -- first a copilot.  
 15 How long were you a copilot on the 777?  
 16 A. I don't know how many years I have been a  
 17 copilot on 777 because I received training to be  
 18 promoted to captain of that aircraft model.  
 19 Q. When did you become a captain of a 777?  
 20 A. I don't know when it was exactly.  
 21 Q. Has it been for more than seven years?  
 22 A. Yes.  
 23 Q. And as captain, you're the pilot in command;  
 24 correct?  
 25 A. Yes.

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1 Q. On average, about how many times per month  
 2 would you fly a 777 aircraft, say, to or from the  
 3 United States -- to or from the United States? What's  
 4 an average month?  
 5 A. Month -- the monthly average?  
 6 Q. Yeah. How many trips per month would you make  
 7 as captain?  
 8 A. Two to three times per month.  
 9 Q. Okay. And has that pretty much been the case  
 10 for the last at least seven years that you've been a  
 11 captain?  
 12 A. Well, I also work as a trainer, so when I have  
 13 trainees, there could be times when I would not fly for  
 14 two months.  
 15 Q. So you're either -- if you are flying, it  
 16 averages two or three times, but some months you don't  
 17 fly at all because you're training? Is that pretty much  
 18 what you do?  
 19 A. By that, are you saying that there are months  
 20 that I don't fly to the U.S. specifically?  
 21 Q. No. I meant -- are there months when you  
 22 don't fly at all because you're training?  
 23 A. No. There would be no such months because  
 24 between trainings, I would fly domestically.  
 25 Q. Of the two to three times a month on average

8 (Pages 26 to 29)

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1 that you are the captain of a 777, about how many times  
 2 on average would those trips involve a trip to or from  
 3 the United States?  
 4 A. There are months when I do not fly to the U.S.  
 5 because I fly also to China and Asia.  
 6 Q. When you fly to the U.S., where do you  
 7 typically fly to? What airport do you fly in or out of,  
 8 typically?  
 9 A. Location?  
 10 Q. Yeah.  
 11 A. New York, Washington, San Francisco and  
 12 Los Angeles.  
 13 Q. New York, is that JFK?  
 14 A. Yes.  
 15 Q. Dulles?  
 16 A. Washington.  
 17 Q. Is that Dulles or Reagan?  
 18 A. Yes, Dulles.  
 19 Q. Since, let's say, the last seven years that  
 20 you've been a captain, at least for the last seven  
 21 years, can you tell me how many times a year you would  
 22 have flown in or out of San Francisco International?  
 23 A. For the first year and a half I did not fly to  
 24 San Francisco. At the beginning I was flying to  
 25 Chicago, so I did not fly to San Francisco. Since then

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1 I do not know how many times I flew to San Francisco.  
 2 Q. Just so I understand your answer, from the  
 3 first year and a half that you became a captain, you did  
 4 not fly to San Francisco, captain of the 777; am I  
 5 correct?  
 6 A. There was no route.  
 7 Q. When did ANA first have a route established to  
 8 San Francisco?  
 9 A. I do not know.  
 10 Q. Is it before the year 2000?  
 11 A. I don't know.  
 12 Q. In the last five years, would you say you've  
 13 flown in and out of San Francisco as a crew member at  
 14 least -- at least once a month?  
 15 A. I wouldn't say at least because sometimes I  
 16 may never fly into San Francisco in one month.  
 17 Q. Would it be fair to say that in the last seven  
 18 years since you've been -- at least the last seven years  
 19 since you've been a captain, that you would have flown,  
 20 let's say, at least ten times a year into or out of  
 21 San Francisco for the last seven years?  
 22 A. I don't know for sure, but probably.  
 23 Q. And I know you're probably ready for a break  
 24 shortly, and we'll take it.  
 25 In the past year, let's say this year, in

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1 2007, any idea how many times on average per month you  
 2 were flying in and out of San Francisco?  
 3 A. This year; right?  
 4 Q. Yeah.  
 5 A. I don't know unless I look at the record.  
 6 Q. Okay. Fair enough. Do you speak English?  
 7 A. A little.  
 8 Q. And do you read English?  
 9 A. A little.  
 10 Q. And when you are the communicating pilot, you  
 11 have to talk to air traffic control in English; am I  
 12 correct?  
 13 A. Yes.  
 14 Q. When you are the -- strike that.  
 15 As the captain and pilot in command, is it  
 16 your decision to determine whether you or your first  
 17 officer would be the flying pilot?  
 18 A. The PIC makes the decision as to who will fly  
 19 the plane.  
 20 Q. Is there any guideline that you use in terms  
 21 of deciding whether on a particular leg or particular  
 22 portion of a leg you, as opposed to your first officer,  
 23 would be the pilot flying?  
 24 A. By guideline, do you mean something that is  
 25 written?

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1 Q. Well, I guess, first let me ask you, is there  
 2 anything written?  
 3 A. Yes, there is a written guideline.  
 4 Q. And what is that guideline called?  
 5 A. Do you mean a leaflet or something?  
 6 Q. Is there a name for the document, or where  
 7 would it be found if I wanted to look for it?  
 8 A. Oh, it is written in operations manual.  
 9 Q. Okay. And that operations manual is the  
 10 manual that must be kept on the 777 aircraft at all  
 11 times; correct?  
 12 A. It is there.  
 13 Q. Is the manual in English or Japanese or both?  
 14 A. It is in Japanese.  
 15 MR. TURNER: Is this a good time to break?  
 16 We've been going for about an hour and a half without a  
 17 break.  
 18 MR. TORPEY: I have just a few more questions  
 19 on this.  
 20 MR. TURNER: Go ahead.  
 21 MR. TORPEY: I'll give you a break in a  
 22 moment.  
 23 Q. Just tell me what you recall briefly about  
 24 what some of the guidelines are in regards to whether  
 25 you as the captain or first officer should be the flying



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1 pilot.

2 A. First, the weather condition and the weight of  
3 the aircraft is determined according to the runway.

4 Also, the runway condition, is it dry or wet.

5 Q. Anything else that you recall?

6 A. And also if there is any structural problem  
7 with regards to the fuselage, we will not have the first  
8 officer operate the plane.9 Q. How about with respect to whether you or your  
10 first officer should taxi either upon landing or upon  
11 departure. What guidelines exist with regard to that  
12 specific operation?

13 A. No.

14 MR. TORPEY: We can take a break if you like.

15 THE VIDEOGRAPHER: This concludes Videotape 1  
16 of the deposition of Teruo Usui. The time on the  
17 monitor is 11:31 a.m.

18 (Recess taken.)

19 THE VIDEOGRAPHER: Here begins Videotape 2 of  
20 the deposition of Teruo Usui. Coming back on the  
21 record. The time is 11:47. Please begin.22 MR. TORPEY: Q. Mr. Usui, have you ever heard  
23 of a concept called conflict resolution as it applies to  
24 the piloting of an aircraft?

25 A. No, not really.

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1 Q. Well, let me describe a situation for you, and  
2 maybe there's a different name for it in your language  
3 than what I'm referring to as conflict resolution.4 Let's say that you are taxiing an aircraft and  
5 you are the flying pilot and you see another aircraft  
6 and you're not sure whether or not, if you continue to  
7 taxi, you might strike the other aircraft.8 Is there a process that you as the pilot would  
9 go through to consider what you should do in response to  
10 what you're looking at?11 MR. TURNER: Objection as to form and  
12 incomplete hypothetical.

13 CHECK INTERPRETER: There was an objection.

14 MR. TURNER: Translate the objection, please.

15 THE INTERPRETER: Excuse me.

16 THE WITNESS: When there is other traffic or  
17 another aircraft when taxiing, we would communicate with  
18 the ATC to confirm.19 MR. TORPEY: Q. What would you want to  
20 confirm?21 A. What do you mean by that question? What do  
22 you want to confirm?23 Q. In the situation that I just gave you, let's  
24 say that you were the pilot in command and flying pilot  
25 and you were taxiing your aircraft, your 777, and during

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1 the taxi you see another aircraft and you are not sure  
2 whether or not, if you continue to taxi, you might  
3 collide with that other aircraft.4 What would you say to aircraft control when  
5 you called them? In other words, what would you ask  
6 aircraft traffic control?7 A. I would not know unless I am in such a  
8 situation.9 Q. Would it be fair to say, Mr. Usui, one of the  
10 things that you would want to do is discuss with air  
11 traffic control whether or not it is safe for you to  
12 continue taxiing, or whether you should stop and take  
13 some other action?14 A. I don't know unless I am in the situation, but  
15 I believe that there would be some instruction or  
16 instructions from ATC.17 Q. Well, as the pilot in command of a 777, if you  
18 were taxiing, Mr. Usui, and for whatever reason you were  
19 not sure whether or not you were going to collide with  
20 another aircraft during your taxi, am I correct that you  
21 would stop the taxi until you could confirm that you  
22 were not going to collide with the other aircraft?23 MR. TURNER: Objection as to form and  
24 foundation.

25 THE WITNESS: Unless I am in that situation, I

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1 don't know.

2 MR. TORPEY: Q. Okay. Mr. Usui, I understand  
3 that you want to have a particular situation, but really  
4 it doesn't matter what the situation is. You can image  
5 any situation you want.6 But if that situation involves a potential  
7 collision with another aircraft while taxiing, you would  
8 agree with me that you as the pilot in command would not  
9 continue taxiing until you knew for sure you were not  
10 going to collide with the other aircraft; correct?11 MR. TURNER: Objection as to form and  
12 incomplete hypothetical.13 THE WITNESS: If we follow the instruction of  
14 ATC, I don't think there will be a collision.15 MR. TORPEY: Q. But if you felt there is a  
16 possibility of a collision and you weren't sure, even if  
17 you were following the instructions of ATC, as a safe  
18 pilot in command, then you would bring your aircraft to  
19 a stop until you could confirm, in fact, you would not  
20 collide with the other aircraft; true?21 MR. TURNER: Objection as to form, incomplete  
22 hypothetical.23 THE WITNESS: There's surely an instruction  
24 from ATC in such a situation.

25 MR. TORPEY: Q. What if in that situation

10 (Pages 34 to 37)



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1 though, for whatever reason, you could not reach ATC?  
 2 As the pilot in command and the person responsible for  
 3 the safe operation of your aircraft, wouldn't you bring  
 4 your aircraft to a stop rather than to continue taxi  
 5 until you knew for sure you were not going to run into  
 6 the other aircraft?

7 MR. TURNER: Objection as to form, incomplete  
 8 hypothetical.

9 THE WITNESS: We are supposed to follow the  
 10 instruction of the ATC. To stop in the middle is to go  
 11 against that instruction. It is like violating the  
 12 instruction.

13 MR. TORPEY: Q. And so you as the pilot in  
 14 command of an ANA 777 and a proficiency examiner for  
 15 ANA, if given clearance to taxi, and even if you  
 16 perceive that you might collide with another aircraft  
 17 and if for some reason you can't contact air traffic  
 18 control, you would continue to taxi your aircraft right  
 19 into the other aircraft rather than stop until you could  
 20 confirm the clearance.

21 Is that what you're saying, sir?

22 MR. TURNER: Objection as to form, incomplete  
 23 hypothetical.

24 THE WITNESS: I don't quite understand the  
 25 question.

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1 MR. TORPEY: Q. Who is responsible for the  
 2 safe operation of your aircraft when you are the pilot  
 3 in command of the 777 aircraft filled with passengers?

4 A. The PIC.

5 Q. So the ultimate safety of your passengers and  
 6 your crew members is your responsibility when you're the  
 7 pilot in command; correct, sir?

8 A. The PIC.

9 Q. And could collision with another aircraft  
 10 cause a safety hazard if there was a collision during  
 11 taxi?

12 A. What do you mean by a safety hazard.

13 Q. If you were taxiing your aircraft and you ran  
 14 into another aircraft, could that cause someone on  
 15 either airplane to become hurt or even killed?

16 A. I can't really say. It depends on the type of  
 17 collision.

18 Q. Well, certainly you would not under any  
 19 circumstances want to taxi your airplane into another  
 20 airplane for any reason; correct?

21 MR. TURNER: Objection as to form and  
 22 incomplete hypothetical.

23 THE WITNESS: No one will taxi an aircraft in  
 24 order to have a collision.

25 MR. TORPEY: Q. And therefore, being a safe

1 and careful pilot in command, if there is any doubt in  
 2 your mind about whether or not during your taxi you're  
 3 going to collide with another aircraft, even if you've  
 4 already been cleared by air traffic control, then you  
 5 will stop your airplane rather than to continue to taxi;  
 6 correct?

7 MR. TURNER: Objection as to form and  
 8 incomplete hypothetical.

9 THE WITNESS: We follow ATC when we operate  
 10 the aircraft, so if there is anything, there would be an  
 11 instruction from ATC.

12 MR. TORPEY: Q. Mr. Usui, what if you were  
 13 taxiing your airplane as pilot in command and you were  
 14 cleared by ATC to taxi and during that taxi you see  
 15 another aircraft and you don't know whether or not you  
 16 are going to crash into that other airplane.

17 You as the pilot in command, what would you do  
 18 at that point?

19 MR. TURNER: Objection as to form, incomplete  
 20 hypothetical.

21 THE WITNESS: Of course when taxiing an  
 22 aircraft, we will observe the surrounding, and I do not  
 23 know since -- I do not know unless I am in that  
 24 particular situation, but there will surely be an  
 25 instruction from ATC.

1 MR. TORPEY: Q. With all due respect,  
 2 Mr. Usui, I'm going to ask that that answer be struck  
 3 because I don't believe it was responsive, and I'll ask  
 4 a few more times this question.

5 And I would just say, regardless of what  
 6 anyone told you, I believe you have integrity, sir, and  
 7 I think you hold a position with a very fine airline.  
 8 And I'm asking you, honestly, to testify about a  
 9 question that I think is very basic. And I will ask  
 10 you, sir, and please tell me in response to this  
 11 question what you would do.

12 MR. TURNER: Before you do that, I'm going to  
 13 instruct the witness that he is to disregard counsel's  
 14 comments which are inappropriate and unprofessional and  
 15 demeaning, and he is to listen to the question carefully  
 16 and give his true and accurate and honest answer  
 17 regardless of Mr. Torpey's comments.

18 MR. TORPEY: Q. Mr. Usui, as a 28-year  
 19 veteran of All Nippon Airways, as a pilot in command, as  
 20 a check airman of ANA, as a pilot with over 10,000 hours  
 21 of experience, as a person charged with the  
 22 responsibility for the safety of ANA passengers, if you  
 23 were the pilot in command of a 777 and the flying pilot  
 24 and you were taxiing at San Francisco International  
 25 Airport and you were cleared by ramp control to proceed

11 (Pages 38 to 41)

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<p style="text-align: right;">Page 42</p> <p>1 to the transition area, and while en route to that</p> <p>2 transition area you saw another aircraft and you did not</p> <p>3 know for sure whether or not you would collide with that</p> <p>4 other aircraft.</p> <p>5 What would you, as the pilot in command, do in</p> <p>6 that situation, sir?</p> <p>7 MR. TURNER: Objection as to form, incomplete</p> <p>8 hypothetical.</p> <p>9 THE WITNESS: First of all, what kind of</p> <p>10 clearance did the ATC give?</p> <p>11 MR. TORPEY: Q. Clearance to taxi from the</p> <p>12 engine-start line to spot 10, the transition area</p> <p>13 between the nonmovement and movement area.</p> <p>14 MR. TURNER: Objection as to form, incomplete</p> <p>15 hypothetical.</p> <p>16 THE WITNESS: Of course, I would taxi</p> <p>17 according to the instruction of ATC.</p> <p>18 MR. TORPEY: Q. So rather than determine</p> <p>19 before you proceed whether you were going to run into</p> <p>20 the other aircraft, you would just continue to taxi? Is</p> <p>21 that your answer, sir?</p> <p>22 MR. TURNER: Objection as to form, foundation,</p> <p>23 incomplete hypothetical.</p> <p>24 THE WITNESS: If there was another aircraft</p> <p>25 that suddenly appeared on the taxiway that we were</p>	<p style="text-align: right;">Page 44</p> <p>1 going to collide? What would you do?</p> <p>2 MR. TURNER: Objection as to form, incomplete</p> <p>3 hypothetical.</p> <p>4 THE WITNESS: If it was right in front, I</p> <p>5 would go slowly. No one would go fast.</p> <p>6 MR. TORPEY: Q. So you would not stop even</p> <p>7 though you did not know you'd clear the conflict? You</p> <p>8 would keep going, you would just slow down. Is that</p> <p>9 your answer, sir?</p> <p>10 MR. TURNER: Objection as to form, incomplete</p> <p>11 hypothetical.</p> <p>12 THE WITNESS: No. What I said was that I</p> <p>13 would lower the taxi speed as much as possible.</p> <p>14 MR. TORPEY: Q. But even if you lowered the</p> <p>15 taxi speed, if at the time you lowered the taxi speed</p> <p>16 you did not know whether or not you were going to</p> <p>17 collide with the other aircraft, would you still keep on</p> <p>18 taxiing until you kept taxiing right into the other</p> <p>19 aircraft?</p> <p>20 Or would you stop, attempt to stop, and call</p> <p>21 air traffic control or ramp control to determine whether</p> <p>22 or not you were going to collide with the other</p> <p>23 aircraft?</p> <p>24 MR. TURNER: Objection as to form, incomplete</p> <p>25 hypothetical.</p>
<p style="text-align: right;">Page 43</p> <p>1 taxiing, the ramp control would not give such an</p> <p>2 instruction.</p> <p>3 MR. TORPEY: Q. But what if the ramp control</p> <p>4 had already given the instruction? What would you do?</p> <p>5 Would you continue to taxi, or would you first take some</p> <p>6 other action such as stopping, calling the ramp control,</p> <p>7 and inquiring whether or not you're going to clear that</p> <p>8 potential collision hazard?</p> <p>9 MR. TURNER: Objection as to form, incomplete</p> <p>10 hypothetical.</p> <p>11 THE WITNESS: I don't know unless I am in such</p> <p>12 a situation.</p> <p>13 MR. TORPEY: Q. Well, put yourself in that</p> <p>14 situation, sir. Put yourself in the cockpit of a 777</p> <p>15 aircraft as the pilot in command, flying -- taxiing from</p> <p>16 the engine-start line, cleared by ramp control to</p> <p>17 spot 10.</p> <p>18 And while you are proceeding to spot 10,</p> <p>19 another aircraft comes into your field of view and you</p> <p>20 do not know for sure whether or not you're going to</p> <p>21 collide with that other aircraft if you continue to</p> <p>22 taxi.</p> <p>23 With that set of facts in your head, sir, as</p> <p>24 the pilot in command, would you stop or would you</p> <p>25 continue to taxi without knowing whether or not you were</p>	<p style="text-align: right;">Page 45</p> <p>1 THE WITNESS: I cannot image what sort of</p> <p>2 situation that would be.</p> <p>3 MR. TORPEY: Q. Well, with all due respect,</p> <p>4 sir, I'm going to say that I don't think that was a</p> <p>5 responsive answer. I'm going to move to strike. I</p> <p>6 don't want to argue with you, but it's clear that you</p> <p>7 have come here with a certain perception on what to say</p> <p>8 in response to these questions, and I'm going to have to</p> <p>9 move on to something else.</p> <p>10 And unless you have something else to say with</p> <p>11 regard to the situations I've presented, and I'll give</p> <p>12 you that opportunity now, I'm going to move to another</p> <p>13 topic because it's pointless for me to continue asking</p> <p>14 questions.</p> <p>15 MR. TURNER: It is improper for you to</p> <p>16 continue asking improper questions and incomplete</p> <p>17 hypotheticals, and your comments are unprofessional and</p> <p>18 demeaning.</p> <p>19 MR. TORPEY: Q. Do you have anything further</p> <p>20 to add, Mr. Usui, or have you said all you are going to</p> <p>21 say on that topic?</p> <p>22 A. Since I do not understand that situation, I</p> <p>23 cannot make an explicit comment.</p> <p>24 MR. TORPEY: Q. Well, I will have to move on,</p> <p>25 and we'll deal with this at another time.</p>

12 (Pages 42 to 45)